

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PITSCH RECYCLING & DISPOSAL, INC.
and PITSCH SANITARY LANDFILL, INC.,

Plaintiffs/Counter-Defendants,

File No. 1:05-CV-123

v.

HON. ROBERT HOLMES BELL

THE COUNTY OF IONIA,

Defendant/Counter-Plaintiff.

MEMORANDUM OPINION AND ORDER

In an opinion dated September 8, 2005, the Court dismissed Plaintiffs' complaint for lack of subject matter jurisdiction. *See Pitsch Recycling & Disposal, Inc. v. The County of Ionia*, 1:05-CV-123 (Docket #20). Defendant's counterclaim remains outstanding. A review of the counterclaim reveals that it is premised upon state law. Because the Court has dismissed all claims over which original jurisdiction applies and it appears that there is no independent jurisdictional ground for the counterclaim, the Court will decline to exercise supplemental jurisdiction over Defendant's counterclaim. *See* 28 U.S.C. § 1367(c)(3); *Thurman v. DaimlerChrysler, Inc.*, 397 F.3d 352, 359-60 (6th Cir. 2004) (holding that when all federal claims are dismissed before trial the "best course" is to dismiss the state law claims) (citing *Musson Theatrical, Inc. v. Fed. Exp. Corp.*, 89 F.3d 1244, 1254-55 (6th Cir. 1996)). Accordingly,

IT IS HEREBY ORDERED that Defendant's counterclaim (Docket #2) is
DISMISSED.

Date: September 9, 2005

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE